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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FIFTH SESSION

Czech Republic*, Iran (Islamic Republic of), Ireland*, Netherlands, Philippines, Poland, Portugal*, Romania, Slovakia*, United States of America: draft resolution

Report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling the provisions of the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, as well as article 4 of the Universal Declaration of Human Rights and article 8 of the International Covenant on Civil and Political Rights, which state that no one shall be held in slavery or servitude,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its eighteenth session (E/CN.4/Sub.2/1993/30), submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fifth session,

Recalling its resolution 1982/20 of 10 March 1982 on the question of slavery and the slave trade in all their practices and manifestations and its resolutions on the reports of the Working Group on Contemporary Forms of Slavery of the Sub-Commission, including the most recent, resolution 1993/27 of 5 March 1993,

Recalling its encouragement of the Sub-Commission, including its Working Group, to continue to elaborate recommendations on the ways and means of establishing an effective mechanism for the implementation of the Conventions on slavery on the basis of the study prepared by the Secretary-General on this issue (E/CN.4/Sub.2/1989/37),

Having considered the relevant resolutions of the Sub-Commission, including the most recent, resolutions 1993/5 and 1993/7 of 20 August 1993,

Noting the recommendation of the Sub-Commission, contained in its resolution 1993/7, that the Commission create for a period of three years a working group on contemporary forms of slavery, composed of five independent experts with relevant experience in the field of human rights and contemporary forms of slavery in particular, with the task of monitoring the application of the Conventions on slavery through the examination of the information it receives,

Considering that the Sub-Commission in its resolution 1993/7 did not elaborate on the issue of whether a new working group on contemporary forms of slavery under the auspices of the Commission would prove an effective mechanism for the implementation of the Conventions on slavery,

Also considering that the desirability of establishing such a working group must be assessed inter alia in the light of the current mandate of the existing Working Group on Contemporary Forms of Slavery, of the need for avoiding duplication of effort and of other possible options for establishing an effective mechanism for the implementation of the Conventions on slavery,

Recalling Economic and Social Council resolution 1993/48 of 28 July 1993 and its earlier resolutions on the subject,

Taking note of the information on the state of implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography submitted by States, specialized agencies and non-governmental organizations contained in the report of the Working Group submitted pursuant to paragraph 6 of Sub-Commission resolution 1992/2 and transmitted to the Commission (E/CN.4/Sub.2/1993/31 and Add.1),

Taking note also of the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others contained in the report of the Secretary-General (E/CN.4/1994/71 and Add.1),

Recalling that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, calls for eliminating the exploitation of and trafficking in women and combating the exploitation and abuse of children,

Gravely concerned that slavery, the slave trade, slavery-like practices and even modern manifestations of this phenomenon still exist, representing some of the gravest violations of human rights,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its valuable work, in particular the progress made at its eighteenth session in implementing its programme of work, and for its flexible methods of work;

2. Expresses its grave concern at manifestations of contemporary forms of slavery as reported to the Working Group;

3. Invites the Sub-Commission at its forty-sixth session to clarify its position on the Working Group on Contemporary Forms of Slavery and to review its resolution 1993/7 of 20 August 1993 in the light of the current mandate of the existing Working Group, of the need for avoiding duplication of effort, and of other possible options for establishing an effective mechanism for the implementation of the Conventions on slavery, taking into account the observations contained in the study prepared by the Secretary-General on this issue (E/CN.4/Sub.2/1989/37) and also taking into account any observations the Working Group may have;

4. Invites the Sub-Commission to submit to the Commission at its fifty-first session its recommendation(s) for establishing an effective mechanism for

the implementation of the Conventions on slavery in order to enable the Commission to take a well-considered decision on the matter;

5. Also invites the Sub-Commission to consider strengthening its involvement in the activities of the existing Working Group on Contemporary Forms of Slavery as an alternative to establishing a new mechanism for the implementation of the Conventions on slavery;

6. Recommends that the Sub-Commission consider the possibility of giving guidelines to the Working Group for setting priorities in the field of its activities;

7. Requests the Secretary-General to invite States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit to the Working Group regular reports on the situation in their countries, as provided for under the Conventions;

8. Invites those eligible States that have not ratified or acceded to the relevant Conventions to consider doing so as soon as possible or to explain in writing, if they so wish, why they feel unable to do so, and invites them to consider providing information regarding their national legislation and practices in this field;

9. Invites intergovernmental organizations, relevant organizations of the United Nations system, including the United Nations Children's Fund, the United Nations Development Programme, the United Nations University, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the World Bank, the International Monetary Fund and the World Tourism Organization, as well as the International Criminal Police Organization and non-governmental organizations concerned, to supply relevant information to the Working Group;

10. Appeals to all Governments to send representatives to the sessions of the Working Group;

11. Calls upon all relevant non-governmental organizations, including those interested in the rights of children and women, to attend the sessions of the Working Group;

12. Recommends that Governments avail themselves of the possibility of requesting assistance under the United Nations programme of advisory services in the field of human rights and of the technical assistance programmes of the specialized agencies, in particular that of the International Labour Office;

13. Also recommends that the supervisory bodies of the International labour Organisation give particular attention in their work to the implementation of provisions and standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery;

14. Invites all Member States to consider the possibility of taking appropriate action for the protection of particularly vulnerable groups, such as children and migrant women, against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve this objective;

15. Encourages all Governments to consider, in the context of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, the creation of programmes aimed at the social rehabilitation of all persons involved in prostitution, and of children in particular;

16. Invites the Special Rapporteur on the sale of children to continue to provide the Working Group on Contemporary Forms of Slavery with his valuable assistance;

17. Requests the Secretary-General to continue to seek the views of States concerning the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others;

18. Requests Governments to pursue a policy of information, prevention and rehabilitation of children and women victims of the exploitation of prostitution and to take the appropriate economic and social measures deemed necessary to that effect;

19. Recalls that the Economic and Social Council, in its resolution 1993/48 of 28 July 1993, requested the Secretary-General to submit a further report to the Council on the steps taken by Member States, organizations of the United Nations system and intergovernmental organizations to implement the recommendations contained in Council resolution 1983/30 of 26 May 1983, and

invites the Working Group to take these reports into account, inter alia, when identifying lacunae and policy options;

20. Recalls once again its request to the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations system for the suppression of contemporary forms of slavery;

21. Welcomes the decision of the Secretary-General to reassign to the Working Group a Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre on issues relating to contemporary forms of slavery.